IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 191 OF 2005
IN
WRIT PETITION NO. 7204 OF 2004.

Madhusudan D. Bhatt .... Appellant.
V/s
Framroz Hirjee Soonawalla Bai Aim Hirjee Soonawala Trust... Respondent

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Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Appellant in person.

Mr.R.R. Arolkar, Adv. for the respondent.

CORAM: V.G. PALSHIKAR
AND
D.B. BHOSALE, JJ.
27.9.2005.

PC:

By this appeal the appellant has challenged the order passed in Writ Petition No.7204 of 2004 which was directed against the orders passed by trial Court and Appellate Court in a Suit pending in that Court. It is obviously therefore a petition under article 227

of the Constitution and therefore Letters Patent Appeal against that order is not tenable.

Even otherwise on merits all that has been done by the impugned order is to condone delay of 60 days in filing of application for setting aside the exparte order. The delay was condoned on payment of costs. There is therefore no reason to interfere even if it is assumed that the appeal is tenable. On both counts therefore appeal is dismissed. C.C. Expedited.

27.9.05